

THE HONORABLE THOMAS S. ZILLY
NOTED FOR HEARING: SEPTEMBER 14, 2001

FILED
LODGED
ENTERED
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AUG 30 2001

CLERK
WESTERN DISTRICT OF WASHINGTON
BY DISTRICT COURT
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

TOM O'BRIEN and GUARDIANSHIP SERVICES
OF Seattle, Guardian ad Litem for DANIEL L.
TOPHAM, D D.S., an incapacitated person,

Plaintiff,

v

BAYER CORPORATION, a foreign corporation;
SURVIVAL TECHNOLOGY, INC., a foreign
corporation; MERIDIAN MEDICAL
TECHNOLOGIES, INC., a foreign corporation; EM
INDUSTRIES, INC., a foreign corporation; CENTER
LABORATORIES, a Division of EM Industries, Inc.,
a foreign corporation,

Defendants

NO. C00-813Z

MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT DISMISSING DEFENDANT
BAYER'S AFFIRMATIVE DEFENSES 1-2 AND
9-27

(FILED UNDER SEAL)

CV 00-00813 #00000095

DEFENDANT BAYER'S AFFIRMATIVE DEFENSES 1-2 AND 9-27 - 1

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